

29723

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:
Kamaljit S. Paul

Group Art Unit: 3732

Serial Number: 10/662,194

Examiner: Eduardo C. Robert

Filed: 09/12/2003

Title: BONE SUPPORT PLATE ASSEMBLY

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Applicant's duty of disclosure set forth in 37 C.F.R. §1.56, the Applicant wishes to bring to the Examiner's attention the references listed on the attached PTO Form 1449.

No representation is made, and no representation is intended, that more relevant material does not exist or that the order of presentation of these materials in any way reflects their relative pertinence. The references cited on the attached PTO Form 1449 are not intended to constitute an admission of any kind. Specifically, this presentation is not an admission that any of the items listed on the attached PTO Form 1449 are properly citable against the above-identified application.

Adjustment Date: 05/04/2005 SDIRETA1
11/01/2004 YPOLITE1 00000003 232130 10662194
01 FC:1806 180.00 CR

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450 Alexandria, VA 22313-1450.

On: October 26, 2004Glenn Graham

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29723
Patent

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REQUEST FOR REFUND
DEPOSIT ACCOUNT #23-2130

Refund Department
United States Patent and Trademark Office
Alexandria, VA 22313
Fax No. 703-308-5077

of pages: 4

Sir:

The above identified application was filed on September 12, 2003. The U.S. Patent and Trademark Office issued a Restriction Requirement on October 19, 2004. Applicant submitted an Information Disclosure Statement on October 25, 2004. The U.S. Patent and Trademark Office issued the first Office Action on the merits on November 12, 2004.

I hereby certify that this paper or fee is being faxed to: Refund Department, United States Patent and Trademark Office, Fax No. 703-308-5077 on March 23, 2005.

Shelly Flunker
(Typed name of person faxing paper or fee)

Shelly Flunker
(Signature of person faxing paper or fee)


29723
Patent

Applicant's November 2004 Deposit Account Statement (copy attached) shows a \$180.00 charge dated November 1, 2004 to this application for the filing of an Information Disclosure Statement. According to 37 CFR 1.97(b), "An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods: ... (3) Before the mailing of a first Office action on the merits...". Since this Information Disclosure Statement was filed before the issuance of a first Office Action on the merits, namely, Information Disclosure Statement was filed on October 25, 2004 and first Office Action on the merits was issued on November 12, 2004, applicant respectfully requests a prompt refund of \$180.00 to correct the fee which was erroneously charged to our Deposit Account on November 1, 2004. Applicant requests that this refund be made to Deposit Account 23-2130.

Please feel free to contact me with any questions, comments, or concerns at the telephone number listed at the end of this document.

Respectfully submitted,
Kamaljit S. Paul

By:


Thomas D. Wilhelm
Attorney for Applicant
(Reg. No. 28,794)

Customer Number: 23482

March 21, 2005
100 W. Lawrence Street, Third Floor
Appleton, Wisconsin 54911
920-831-0100
FAX: 920-831-0101

Deposit Account Statement

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11/01	5	10662194	29723	1806	\$180.00	\$1,568.00
11/05	5	10206692	MDM-101CIP	2201	\$220.00	\$1,348.00
11/05	6	10206692	MDM-101CIP	2202	\$117.00	\$1,231.00
11/05	7	10206692	MDM-101CIP	2251	\$55.00	\$1,176.00
11/09	6	10946522		9204	\$83.00	\$1,093.00
11/10	4	10946522		9204	-\$40.00	\$1,133.00
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8th Rev. Edition

608.05(c)

MANUAL OF PATENT EXAMINING PROCEDURE

or as part of the specification in paper (in compliance with 37 CFR 1.52).

A single table contained on 51 pages or more may be submitted on a CD-ROM or CD-R (in compliance with 37 CFR 1.52(e) and 37 CFR 1.58). The presentation of a subheading to divide a large table into smaller sections of less than 51 pages should not be used to prevent an applicant from submitting the table on a compact disc unless the subdivided tables are presented as numerous files on the compact disc so as to lose their relationship to the overall large table.

Form paragraphs 6.63.01 and 6.63.02 may be used to notify applicant of corrections needed to comply with the requirements of 37 CFR 1.52(e) and 37 CFR 1.58(b) with respect to tables.

¶ 6.63.01 CD-ROM/CD-R Requirements (Table Listing in Specification)

The description portion of this application contains a table consisting of less than fifty one (51) pages only on a CD-ROM or CD-R. In accordance with 37 CFR 1.52(c), only a table of at least fifty one (51) pages may be submitted on a CD-ROM or CD-R. Accordingly, applicant is required to cancel the references to the CD-ROM/CD-R table appearing in the specification on pages [1], file a paper version of the table in compliance with 37 CFR 1.52 and change all appropriate references to the former CD-ROM/CD-R table to the newly added paper version of the table in the remainder of the specification.

Examiner Note:

1. This form paragraph must be used whenever an application filed on or after November 7, 2000 contains a table on a CD-ROM or CD-R consisting of less than fifty one (51) pages as part of the descriptive portion of the specification.
2. In bracket 1, insert the range of page numbers of the specification which reference the table.

¶ 6.63.02 Table on CD-ROM/CD-R Column/Row Relationship Not Maintained

This application contains a table on CD-ROM/CD-R. Tables presented on CD-ROM/CD-R in compliance with 37 CFR 1.58 must maintain the spacial orientation of the cell entries. The table submitted does not maintain the data within each table cell in its proper row/column alignment. The data is misaligned in the table as follows: [1]. Applicant is required to submit a replacement compact disc with the table data properly aligned.

Examiner Note:

1. This form paragraph must be used whenever the data in a table cannot be accurately read because the data in the table cells do not maintain their row and column alignments.
2. In bracket 1, insert the area of the table that does not maintain the row and column alignments.

608.05(c) Compact Disc Submissions of Biosequences

Filing of biosequence information on compact disc is now permitted in lieu of filing on paper. See MPEP § 2420 and § 2422.03.

609 Information Disclosure Statement

37 CFR 1.97. Filing of information disclosure statement.

(a) In order for an applicant for a patent or for a reissue of a patent to have an information disclosure statement in compliance with § 1.98 considered by the Office during the pendency of the application, the information disclosure statement must satisfy one of paragraphs (b), (c), or (d) of this section.

(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

(3) Before the mailing of a first Office action on the merits; or

(4) Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

(1) The statement specified in paragraph (e) of this section; or

(2) The fee set forth in § 1.17(p).

(d) An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

(1) The statement specified in paragraph (e) of this section; and

(2) The fee set forth in § 1.17(p).

(e) A statement under this section must state either:

(1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

(2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making

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